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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

SIERRA FOREST LEGACY, SIERRA CLUB,
 EARTH ISLAND INSTITUTE, and CALIFORNIA
 NATIVE PLANT SOCIETY, non-profit
 organizations,

Plaintiffs,

v.

BERNARD WEINGARDT, in his official capacity
 as Regional Forester, Region 5, United States Forest
 Service, EDWARD COLE, in his official capacity as
 Forest Supervisor, Sierra National Forest, United
 States Forest Service, ABIGAIL R. KIMBELL, in
 her official capacity as Chief of the United States
 Forest Service, and UNITED STATES FOREST
 SERVICE, an agency of the United States
 Department of Agriculture,

Defendants.

Case No: C 07-2646 SBA

[PROPOSED] ORDER DENYING
 DEFENDANTS' MOTION TO TRANSFER
 VENUE

1 This case involves a challenge to a decision by defendants Bernard Weingardt, *et al.*
2 (“defendants”) to approve the Kings River Project (“Project”), which authorizes logging, herbicide
3 treatments, and prescribed fire on 131,500 acres within Sierra National Forest. Plaintiffs Sierra
4 Forest Legacy, *et al.* (“plaintiffs”) allege that defendants’ approval of the Project violated the
5 National Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321 *et seq.*, and the National Forest
6 Management Act (“NFMA”), 16 U.S.C. § 1604. On June 1, 2007, defendants filed a Motion to
7 Transfer Venue (“Motion”), seeking to move this action to the United States District Court for the
8 Eastern District of California. Docket No. 11. Plaintiffs filed their opposition to this Motion on
9 June 14, 2007. Docket No. 17.

10 Federal law provides that “[f]or the convenience of the parties and witnesses, in the interest
11 of justice, a district court may transfer any civil action to any other district or division where it might
12 have been brought.” 28 U.S.C. § 1404(a). *See also Florens Container v. Cho Yang Shipping*, 245 F.
13 Supp. 2d 1086, 1089 (N.D. Cal. 2002) (a court must consider “(1) the convenience of the parties; (2)
14 the convenience of the witnesses; and (3) the interests of justice”). If more than one appropriate
15 venue exists, a court must make its decision based upon an “individualized, case-by-case
16 determination of convenience and fairness.” *Jones v. GNC Franchising, Inc.*, 211 F.3d 495, 498-99
17 (9th Cir. 2000) (quoting *Stewart Organization, Inc. v. Ricoh Corp.*, 487 U.S. 22, 29 (1988)).

18 In doing so, the court “considers the private and public factors which might weigh in favor of
19 each of these alternate venues and measures these assets against those of the plaintiffs’ chosen
20 forum, the Northern District of California.” *Ellis v. Costco Wholesale Corp.*, 372 F. Supp. 2d 530,
21 538 (N.D. Cal. 2005). A plaintiff’s choice of forum is entitled to substantial deference, and “[u]nless
22 the balance is strongly in favor of the defendant, the plaintiff’s choice of forum should rarely be
23 disturbed.” *Gulf Oil Corp. v. Gilbert*, 330 U.S. 501, 508 (1947); *see Decker Coal Co. v.*
24 *Commonwealth Edison Co.*, 805 F.2d 834, 843 (9th Cir. 1986) (“The defendant must make a strong
25 showing of inconvenience to warrant upsetting the plaintiff’s choice of forum”).

26 In this case, defendants have failed to make a strong showing that the convenience of the
27 parties and witnesses and the interests of justice would be better served by transferring this case from
28 plaintiffs’ chosen forum to the Eastern District of California. There is no dispute that the Northern

1 District is an appropriate forum for this case pursuant to the venue provisions in 28 U.S.C. §
2 1391(e). The fact that plaintiffs maintain offices in both the Northern and Eastern Districts does not
3 weigh in favor of transferring this case, especially in opposition to plaintiffs' chosen forum.
4 Moreover, federal agencies and officials such as defendants are regularly sued and defend actions in
5 district courts all over the country, and defendants have failed to make a strong showing that the
6 Eastern District would be more convenient for the parties compared to this Court. *See Van Dusen v.*
7 *Barrack*, 376 U.S. 612, 646 (1964) ("Section 1404(a) provides for transfer to a more convenient
8 forum, not to a forum likely to prove equally convenient or inconvenient").

9 The convenience of the witnesses and access to documents is also not a relevant
10 consideration here, since this case will be reviewed under the Administrative Procedure Act, 5
11 U.S.C. § 706, on the basis of an administrative record that defendants will make readily available to
12 the parties and the Court. *See Pacific Coast Fed'n of Fishermen's Ass'ns v. Gutierrez*, 2006 WL
13 194507, *3 (N.D. Cal. Jan. 24, 2006) (finding that "in environmental cases involving challenges to
14 an administrative record, many of the factors are not applicable, in part because there is no
15 evidentiary hearing or presentation of witnesses"). Finally, the interests of justice do not warrant a
16 transfer given the strong public interest in California and nationwide regarding the federal
17 government's management of our national forest lands, *see, e.g., California ex rel. Lockyer v. U.S.*
18 *Dept. of Agric.*, 459 F. Supp. 2d 874, 914 (N.D. Cal. 2006) (finding "a strong 'public interest in
19 preserving our national forests in their natural state'"), as well as the likelihood of delay that would
20 result from the severe congestion in the Eastern District's docket. Accordingly, defendants have
21 failed to satisfy their heavy burden to upset plaintiffs' choice of forum, and the Motion to Transfer
22 Venue is hereby DENIED.

23
24 IT IS SO ORDERED.

25 DATED:

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27 _____
Saundra Brown Armstrong
United States District Judge
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